

HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 4993 of 2006

13-10-2006

Between:

C.P.Sankara Sarma
S/o Krishna Murthy,
D.No. B.445, Sector-3,
NGO's Colony,
Vanasthalipuram, Hyderabad-500 070

..... PETITIONER

AND

1. R.P.F. Commissioner, Bhavishyanidi Bhavan
Regional Office, A.P.Barkatpura,
Hyderabad. And two others

.....RESPONDENTS

HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.4993 of 2006

ORDER:

This writ petition is filed by the petitioner seeking a writ of *Mandamus* to declare the action of the 1st respondent in issuing the Proceedings No. AP/RO/Hyd/Pas/MPPPO 37503/3318 dated 28-12-2005, as illegal and arbitrary.

It is stated that the petitioner was an employee of Andhra Pradesh State Road Transport Corporation and after attaining the age of superannuation he retired from service. He was a member of the Family Pension Scheme 1971. Though original Pension amount of the petitioner was fixed at Rs.2,326/- but however, subsequently, by impugned proceedings dated 28.12.2005 the same was reduced to Rs.1,349/-. Further it is the case of the petitioner that the impugned proceedings revising the pension were issued without prior notice and opportunity to him.

In the counter affidavit filed on behalf of the respondents, it is stated that inasmuch as the contributions of the petitioner were remitted in lumpsum only in the year 2003, the impugned orders were issued revising the original pension. But, in the counter affidavit the respondents have not disputed the allegation of the petitioner that no notice was issued to him before passing the impugned order by which the original pension payable to the

petitioner was revised reducing it substantially. Therefore, whether the petitioner is entitled for the pension earlier fixed or the revised amount is a matter which is required to be considered, after giving due notice and opportunity to the petitioner before passing orders.

In that view of the matter, without going into the merits of the case, I deem it appropriate to set aside the impugned order and remit the matter for reconsideration by the respondents on the representation submitted by the petitioner only after giving opportunity and notice to the petitioner. Till appropriate orders are passed, the petitioner shall be paid only the revised pension and the differential amount is subject to the outcome of such orders. If any objections are filed in the proposed representation, it is needless to mention that the respondents shall consider the same and pass appropriate orders in accordance with law.

Subject to the above, the writ petition is allowed to the extent indicated above. No costs.

13-10-2006

Mjl/*